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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 01/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

| | | |
|-------------------|----------------|--|
| Application No. | Applicant(s) | |
| 09/244,190 | KOGA, KUNI AKI | |
| Examiner | Art Unit | |
| Brian A Zimmerman | 2635 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on _____.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3 and 4</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 4-9,13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 and 13 recite the limitation "displaying messages". There is insufficient antecedent basis for this limitation in the claim. It is unclear from the claims whether this refers to the new messages or the "already received messages." Claims 5-9,14 and 15 do not clarify this problem.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (4965569) and Ohtsuki (5861818).

Bennett shows a pager that present previously received messages. If a new message is received during the presenting of previously received messages the

presenting is temporarily stopped and a new message is then presented. See figures 9A, 9B, 10A, 10B and their descriptions. Bennett differs from the claimed invention in that the presentation of the messages in Bennett is audible, while the presentation of the messages in the claimed invention is by display.

In an analogous art Ohtsuki shows that a pager can be used to display messages. Ohtsuki shows displaying common messages (equivalent to the already received messages of Bennett) in one format while displaying special messages (equivalent to new messages) in a different format. The difference in the formats is that one includes a color inversion to indicate to the user the different type of message. See col. 2 lines 22+. This aids the user in knowing the type of message being presented.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used displayed different types of messages in different fashions for displaying the messages being presented in the Bennett system in order to aid the user in knowing the type of message being presented.

3. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett and Ohtsuki as applied to claims 1 and 10 above, and further in view of Fennell (5430436).

In an analogous art, Fennell shows displaying common messages (equivalent to the already received messages of Bennett) in one format while displaying special messages (equivalent to new messages) in a different format. The difference in the

formats is that one includes highlighting. See col. 3 lines 34+. This aids the user in knowing the type of message being presented.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used displayed different types of messages in different fashions for displaying the messages being presented in the Bennett system in order to aid the user in knowing the type of message being presented.

4. Claims 4-9 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett and Ohtsuki as applied to claims 1 and 10 above, and further in view of Nakajima (4477807).

In an analogous art, Nakajima shows a paging system where the messages are displayed in a sequential order based upon their arrival. See abstract. This allows the user to be aware of the importance of the received messages. The examiner takes official notice that tracking the arrival by time stamps of FIFO memory are both very common manners in the art to track the arrival sequence of messages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed received messages sequentially in the above modified system in order to aid the user in determining the importance of the messages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



Brian A. Zimmerman
Primary Examiner
Art Unit 2635

BaZ
December 28, 2001